

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,  
Plaintiff,  
v.  
HECTOR ULLOA-NAVARRO [4],  
Defendant.

CASE NO. 12-cr-1111-BTM-4

**ORDER DENYING MOTION TO  
REDUCE SENTENCE  
WITHOUT PREJUDICE**

Defendant Hector Ulloa-Navarro has filed a *pro se* Motion to Reduce Sentence pursuant to the Fair Sentencing Act of 2010, 18 U.S.C. § 3582(c)(2). Defendant also requests that the Court appoint counsel to assist in his pursuit of a reduced sentence. Defendant requests a recalculation of his sentence based on a two-point reduction in his base offense level under the United States Sentencing Guidelines.

A defendant is eligible for a sentence reduction if two prongs are satisfied: (1) the sentence is "based on a sentencing range that has subsequently been lowered by the Sentencing Commission" and (2) "such a reduction is consistent with applicable policy statements issued by the Sentencing Commission." United States v. Wesson, 583 F.3d 728, 730 (9th Cir. 2009) (quoting 18 U.S.C. § 3582(c)(2)). See also U.S.S.G. § 1B1.10 (Reduction in Term of Imprisonment as a Result of Amended Guideline

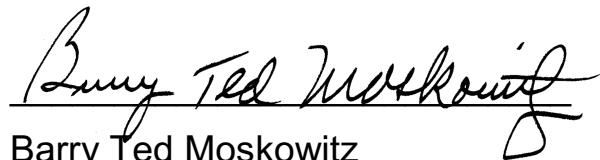
1 Range). Defendant's motion does not cite any post-sentencing amendment  
2 to the Guidelines. Rather, it appears to be based on a prospective  
3 amendment to the Guidelines. It is therefore premature. The motion is  
4 accordingly **DENIED WITHOUT PREJUDICE.**

5 **IT IS SO ORDERED.**

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8 DATED: September 18, 2014

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Barry Ted Moskowitz

10 Chief United States District Judge

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